

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**GERCIA BRIGHT,**

**Plaintiff,**

**Case No. 3:14-cv-134**

**Judge Thomas M. Rose**

**-v-**

**HARBINGER PROCESSING  
GROUP, LLC,**

**Defendant.**

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**ENTRY AND ORDER OVERRULING BRIGHT'S MOTION FOR  
DEFAULT JUDGMENT (Doc. #12) WITHOUT PREJUDICE TO  
RENEWAL ON OR BEFORE APRIL 13, 2015**

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Now before the Court is Plaintiff Gercia Bright's ("Bright's") Motion for Default Judgment. (Doc. #12.) This Motion is OVERRULED WITHOUT PREJUDICE TO RENEWAL because it is not accurately pled.

First, Bright asserts that, "[t]he Defendant is a Corporation, and therefore the Service Member Civil Relief Act does not apply to Defendant." However, according to Bright's Complaint, the Defendant is an LLC (Limited Liability Company). An LLC is not a Corporation. Thus, Bright's pleading that the Defendant is a Corporation is inaccurate. The legal relevance of this inaccuracy is for Bright's attorney to determine.

Second, Bright's pleading incompletely cites 15 U.S.C. § 1692k(a). This Section says, "[o]n a finding by the court that an action under this section was brought in bad faith and for the purposes of harassment, the court may award to the defendant attorney's fees reasonable in relation to the work expended and costs." Bright's pleading omits and does not discuss the requirement that the court must determine that the action was brought in bad faith and for the

purposes of harassment.

Therefore, since the pending Motion for Default Judgment is not accurately pled, it must be overruled. However, assuming the inaccuracies can be corrected, the Motion is overruled without prejudice. Finally, to insure that this matter comes to an end on the Court's docket, Bright is given until not later than April 13, 2015, to file an accurate Motion for Default Judgment if she can.

**DONE** and **ORDERED** in Dayton, Ohio this Twelfth Day of March, 2015.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record